



Planning Committee Agenda

Wyre Borough Council
Date of Publication: 30 November 2022
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Planning Committee meeting on Wednesday, 7 December 2022 at 2.00 pm in the Council Chamber - Civic Centre, Poulton-le-Fylde

- 5. Planning applications** (Pages 3 - 14)

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PLANNING COMMITTEE UPDATE SHEET

COMMITTEE DATE: 7 December 2022

APPLICATION NO.	TEAM LEADER	ITEM NO.	PAGE NOS.
22/00773/FUL	Karl Glover	01	7-18

Additional Neighbour Representations

Since the publication of the committee report one additional letter of objection has been received. The primary (planning) concerns set out relate to the following matters:

- Development would conflict with Human Rights Act
- Noise and disturbance from proposed dog room
- Entrance to store room/garage will impact upon residential amenity of neighbouring property in terms of loss of privacy from the front bay window
- Overbearing impacts
- Development is being constructed against the neighbouring boundary
- Loss of light to rear garden
- Inaccuracies on plans in relation to distances to boundary

Officers Response:

The observations received are acknowledged. Many of the points raised are matters that have already been addressed in the main committee report. However, in response to new matters raised:

- *Inaccuracies in plans and distances to boundaries – All distances set out have been checked and are considered to be accurate*
- *The application does not propose a builders store and the dog room is incidental to the main dwelling house as stated in the main report*
- *Loss of light – As set out in the committee report the loss of light to the rear garden is considered to be minimal*

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PLANNING COMMITTEE UPDATE SHEET

COMMITTEE DATE: 7 December 2022

APPLICATION NO.	TEAM LEADER	ITEM NO.	PAGE NOS.
21/01152/OULMAJ	Karl Glover	02	19-46

Additional Consultation Response

Since the publication of the committee report the following consultee responses have been received:

LANCASHIRE COUNTY COUNCIL (LOCAL EDUCATION AUTHORITY)

Following the request for a re assessment LCC Education have responded with an objection to the application. Whilst there has been confirmation that an education contribution is not required (i.e. the development does not generate the need for any school places), LCC state that as there is no confirmation of the position of the delivery of a new primary school at Lambs Road they are unable to determine if the development is sustainable and as such they are objecting to the application on lack of infrastructure provision.

Officer Response:

Officers consider that little or no weight should be given to this objection. The relevant guidance in the NPPG states clearly that whilst contributions can provide both funding for construction and land for new schools required onsite, commensurate with the level of education need generated by the development, in this case LCC have confirmed that there is no identified need and the school land is not within the site. Furthermore, there is no provision in either the Local Plan, or in LCC's Education Contribution Methodology for developers to make any contribution towards the cost of school land, either on site or within the area within which new development collectively generates the need for a new school.

NATURAL ENGLAND

Natural England has confirmed they have no objections to the proposals, subject to mitigation, namely a Construction Environmental Management Plan, on site public open space provision, advisory leaflets, and installation of information boards.

Officer Response:

Conditions have already been recommended to secure these aspects, with the exception of information boards. A financial viability case has been made in relation to planning obligations and contributions by the applicant, and information boards are not considered reasonably necessary given homeowner information packs would already be secured.

WBC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (PARKS DEVELOPMENT TEAM)

Wyre's Parks Officer has commented that the proposed landscaping strategy is formed with a bias towards mitigating against the loss of the existing woodland rather than for its retention. They have noted that the proposals would represent compensation to provide natural/semi-natural green space not enhancements to provide formal recreation on the site, and have raised some concerns in relation to the suitability of ground conditions for planting along the watercourse. It has also been commented that the landscape strategy is not consistent with the landscape proposals in terms of labelling areas as "open space for formal and informal recreation" that are, in reality, within the natural/semi natural green space category.

Officer Response:

The submitted landscaping details are indicative and the landscaping would need to be approved under a subsequent reserved matters application. Based on the indicative proposals, there is only a very minor shortfall in terms of the overall area of on-site green infrastructure. A locally equipped area for play (LEAP) would usually be required on site for development of this scale. In this case, it is likely that a financial contribution towards off-site open space provision would have been sought at land north of Bourne Road. Given the viability constraints which have been established, the Council cannot reasonably request a contribution towards off-site open space in association with this application. In view of the indicative area of on-site green infrastructure provision, it is considered that a purposeful area of green infrastructure could be provided under a subsequent reserved matters application, and the application would accord with Policy HP9 and KDC 1 as set out in Policy SA4 of the Wyre Local Plan (2011-31).

Amendments to Conditions

Since the publication of the committee report it has been considered necessary to amend a number of conditions following negotiations undertaken by the case officer with the applicant in relation to pre commencement conditions. As such the following conditions have been amended accordingly:

Condition 2 - Approved Plans

Reference to the Indicative Masterplan Drawing has been removed as the layout is indicative at this stage. Condition 2 is now worded as follows:

The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 28.10.2021 including the following plans/documents:

- Location Plan Drg No.L(01)02 Rev P1, received by the LPA on 15.09.2021;
- Swept Path Analysis 11.2m Refuse Vehicle Drg No.77391-CUR-00-XX-DR-TP-05002 Rev P02, received by the LPA on 15.09.2021;

- *Proposed Access Arrangement Drg No.77391-CUR-00-XX-DR-TP-75001 Rev P06, received by the LPA on 15.09.2021;*
- *Block Plan With Site Boundary Drg No.L(01)01 Rev P1, received by the LPA on 15.09.2021;*
- *Outline Land Use Parameter Plan Drg No.L(04)02 Rev P3, received by the LPA on 28.09.2021.*

The development shall be retained hereafter in accordance with this detail.

Reason: For the avoidance of doubt and so that the Local Planning Authority shall be satisfied as to the details.

Condition 4 – Drainage

The applicant has requested a change to the trigger (not pre-commencement) to allow ground remodelling and works to site levels and the watercourse. As such, condition 4 is now worded as follows:

Prior to the construction of any dwelling, including foundations, details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this shall include:

- a) *The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Residents' Management Company*
- b) *Arrangements concerning appropriate funding mechanisms for the on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:*
 - i. *on-going inspections relating to performance and asset condition assessments*
 - ii. *operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;*
- c) *Means of access for maintenance and easements where applicable.*

The development shall subsequently be completed, maintained and managed in accordance with the approved sustainable drainage management and maintenance plan.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development; to reduce the flood risk to the development as a result of inadequate maintenance; and to identify the responsible organisation/ body/ company/ undertaker for the sustainable drainage system in accordance with policy CDMP2 of the Wyre Local Plan (2011-31) and the NPPF.

Condition 7 – Biodiversity Enhancement

The applicant has requested a change to the trigger (not pre-commencement) to allow ground remodelling and works to site levels and the watercourse. As such, condition 7 is now worded as follows:

Prior to the submission of the first reserved matters application, or simultaneously with that first application, a Biodiversity Enhancement Measures Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include, but is not limited to, measures A-J as set out and shown on Figure A of the Assessment of Biodiversity Net Gain by Erap Ecology Consultants Ltd, received by the LPA 11th October 2022, and a timetable for implementation. The approved scheme shall be carried out in accordance with the approved details and shall be retained thereafter.

Reason: Such a scheme was not submitted with the application but is necessary to secure opportunities for the enhancement of the nature conservation value of the site in the interests of ecology and biodiversity in accordance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the NPPF.

Condition 21 – Construction Road

Given the viability constraints, it would be difficult for the developer to construct the entire new access road without construction and sale of dwellings from the eastern phase (east of Springfield Burn). It is considered reasonable for the developer to provide the access road prior to occupation of dwellings on the western part of the site. As such, condition 21 is now worded as follows:

No dwelling in the western part of the site west of Springfield Burn (as show on Outline Land Use Parameter Plan (L(04)02 (S1) REV P3) shall be occupied until the pedestrian link has been constructed in full up to the access point to the western development parcel (as shown in Proposed Access Arrangement Drawing No. 77391-CUR-OO-XX-DR-TP-75001 Rev PO6). No dwelling in the eastern part of the site east of Springfield Burn shall be occupied until the vehicular access road / pedestrian links (as shown in Proposed Access Arrangement Drawing No. 77391-CUR-OO-XX-DR-TP-75001 Rev PO6) has been constructed in full and built up to the eastern boundary of the site. This vehicular access road / pedestrian link shall thereafter be maintained and remain open and unobstructed at all times.

Reasons: To ensure that the development provides appropriate connections and sustainable linkages to neighbouring development and the wider highway network in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

Condition 22 - GI Provision

The word “subsequent” has been added before “Masterplan” on the second to last line. Conditions 22 now reads as follows:

As part of any reserved matters application where layout is applied for, the amount, general location and type of green infrastructure shall be provided on site in accordance with the requirements of Policy HP9 of the Wyre Local Plan, the approved Indicative Masterplan Drg No.L(04)03 Rev P12 submitted with this application and any subsequent Masterplan approved by the Local Planning Authority for the site.

Reason: In order to ensure adequate provision of green infrastructure is secured by this planning permission in accordance with the provisions of the NPPF and Policy HP9 of the Wyre Local Plan.

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PLANNING COMMITTEE UPDATE SHEET

COMMITTEE DATE: 7 December 2022

APPLICATION NO.	TEAM LEADER	ITEM NO.	PAGE NOS.
22/00872/FUL	Karl Glover	03	47-56

Additional Consultation Response

Since the publication of the committee report the Environmental Health Officer has provided the following response:

WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - AMENITY)

No objections to the proposal. Advised that in this instance it is not considered that a noise assessment is needed for this application as the development has been used as a private home previously. In order to help prevent any adverse impact on the health and quality of life of nearby residents I would encourage the applicant to consider the following advice/recommendations.

- Ensure any future windows are replaced with like for like glazing or better
- In order to prevent noise from the garden impacting nearby noise sensitive properties I would encourage the applicant to erect a 1.8m high tight board wooden fence shall be erected on the boundary of the garden
- Any fixed flood lighting should be designed as such that it is no intrusive to nearby sensitive premises.

Officer Response:

Officers consider that an informative could be attached in relation to the replacement glazing and lighting listed above, however as there is already a substantial high level boundary treatment along the eastern boundary then it is not considered necessary to include an advice note in relation to the fencing. It is not considered that the proposed change or use would adversely impact or harm the amenity of the neighbouring residential properties and in this regard the proposal would comply with Policy CDMP1 and CDMP3 of the WLP31.

Additional Neighbour Representations

Since the publication of the committee report four additional letters of objection have been received via E-mail including one which had been circulated to members of the planning committee. Officers have read in full all of the content contained within. The primary (planning) concerns set out relate to the following matters:

- Request for the application to be deferred to a later Planning Committee
- Site notice was published late
- Wyre has not followed its statutory timescales for publishing information
- Errors set out in the Environmental Health Officers original response
- No local need for children's homes in the area
- Ofstead do not take into consideration local need in an area
- The officers report does not consider the local need for a children's home in this location
- Policies SP8 and SP2 of the WLP31 all refer to meeting a local need
- The proposed children's home would not:
 - Serve local Children
 - would not serve the children it would house
 - would not support local services
 - would not serve the local community
 - would not serve a national need

Officer Response:

The observations received from local residents since the publication of the committee report have been fully considered. Many of the issues raised are matters which have been previously considered and have been addressed accordingly within the Officer report. The publication of the application has followed the correct procedures in accordance with the Development Management Procedure Order. A request has been received for the application to be deferred to a later Planning Committee on the basis a local resident is unable to attend. However as there is no outstanding material planning matters in relation to this application then it would not be reasonable to withhold presenting the application to the December Planning Committee. The detailed observations in relation to local need has been acknowledged however officers advise that there are no national policies within the NPPF or local policies with the WLP31 which relate to the requirement for local need for children's homes to be considered as part of the assessment of planning applications. As such Members are advised that there are considered insufficient grounds to refuse the application on the basis that there is no local need.

PLANNING COMMITTEE UPDATE SHEET

COMMITTEE DATE: 7 December 2022

APPLICATION NO.	TEAM LEADER	ITEM NO.	PAGE NOS.
22/00094/OUTMAJ	Karl Glover	04	57-82

Updated Details

The applicant's agent supplied an updated Flood Risk Sequential Test.

Additional Consultation Responses

Since the publication of the committee report the following consultee responses have been received:

LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY)

Objections received due to the absence of a Drainage Strategy.

Officer Response:

A revised drainage strategy plans has been submitted however the LLFA have not responded to the re-consultation on this matter. The revised plan shows surface water draining to an attenuation tank on site with restricted flow from the site to reduce run-off rates. Despite the LLFA objection, a condition has been recommended to ensure drainage plans would be submitted for consideration prior to any details being agreed. On this basis, full considered could be given to drainage and impacts at a later stage. It is noted no objections were raised by United Utilities, The Environment Agency and the Council Drainage Engineer. On this basis, the application is considered to have an acceptable impact in terms of drainage. Should a response be received members will be updated verbally at Planning Committee.

WBC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (PARKS DEVELOPMENT TEAM)

The Parks Officer has confirmed that they would seek an off-site financial contribution towards the improvements at Wyre Estuary Country Park

Updated Consideration

Flood Risk Sequential Test

An updated Flood Risk Sequential Test was requested to cover any changes in circumstance since the previous application. The addendum submitted by the applicant covers sites which were not adequately covered previously. Of the remaining comparator sites, this addendum confirms that these are either at an advanced stage in the planning process (with reserved matters

approval or conditions discharged), or they are no longer available following development. It is also noted that an outline permission on another site has since expired. In terms of other new comparator sites, one was identified and although it was discounted due to its larger site area. No other new, reasonably available comparator sites have been identified following searches. As such, it is considered that the Sequential Test has appropriately considered, and reasonably discounted, all relevant comparator sites. On this basis, the application is deemed to have passed the Flood Risk Sequential Test.

Additional Neighbour Representations

Since the publication of the committee report one additional letter of objection has been received. The primary (planning) concerns set out relate to the following matters:

- The development should be rejected again;
- The Planning Inspectorate made a subjective assessment of appearance and failed to properly assess the overbearing impacts on adjacent properties, as well as traffic volumes, in their decision;
- The significant public objection carries weight;
- Insufficient parking provision is provided;
- A more appropriate development could be brought forward.

Officer Response:

The observations received relate to matters that have already been addressed in the main committee report.